



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Mother Lode Field Office
5152 Hillside Circle
El Dorado Hills, CA 95762-5713
www.blm.gov/ca/motherlode

Proposed right-of-way grant to AT&T California for buried telephone line (CACA-54889)
(CA-180-14-02)
Finding Of No Significant Impact
March 2014

It is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of impacts addressed by the Sierra Resource Management Plan (RMP). Thus, the proposed action does not constitute a major federal action having a significant effect on the human environment; therefore, an environmental impact statement (EIS) is not necessary and will not be prepared. This conclusion is based on my consideration of CEQ's following criteria for significance (40 CFR §1508.27), regarding the context and intensity of the impacts described in the EA and based on my understanding of the project:

- 1) *Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.* Potential impacts include vegetation removal, soil disturbance and temporary noise and dust during line installation.
- 2) *The degree of the impact on public health or safety.* No aspects of the proposed action have been identified as having the potential to significantly and adversely impact public health or safety.
- 3) *Unique characteristics of the geographic area.* The project area does not contain any unique characteristics.
- 4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.* No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. § 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, "controversy" is not equated with "the existence of opposition to a use." *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). "The term 'highly controversial' refers to instances in which 'a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.'" *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998).
- 5) *The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.* The analysis does not show that the proposed action would involve any unique or unknown risks.
- 6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* The proposed action is not precedent setting.
- 7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* No significant site specific or cumulative impacts have been identified. The proposed action is consistent with the Sierra RMP.
- 8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* The proposed action would not adversely affect cultural properties listed on or eligible for the National Register of

Historic Places. The proposed action would affect the Hetch Hetchy Railroad railbed, which is recommended NRHP eligible. Project design features have been incorporated into the proposed action to minimize negative effects to this cultural resource, so that there would not be adverse effects.

9) The degree to which the action may adversely affect ESA listed species or critical habitat.

No ESA listed species (or their habitat) are known to occur in the area potentially affected by the proposed action.

10) Whether the action threatens a violation of environmental protection law or requirements. There is no indication that the proposed action will result in actions that will threaten such a violation.

William S. Haigh
Field Manager,
Mother Lode Field Office

Date



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EA Number: CA-180-14-02

Proposed Action: Proposed right-of-way grant to AT&T California for buried telephone line (CACA-54889)

Location: T. 1 S., R. 16 E., within section 30, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and lot 6; and within section 31, lot 1, MDBM. Off of HWY 120 within Tuolumne County (see attached maps)

1.0 Introduction

1.1 Brief Description of Proposed Action

The proposed action is to grant a right of way to AT&T California to install and maintain a buried telephone line across BLM-managed lands along California Highway 120 near the town of Big Oak Flat in Tuolumne County, California beginning near the intersection of Old Priest Grade Road and Priest Coulterville Road. The applicant's proposal included provisions to install above ground cable warning markers and above ground splice points/pedestals. Legal access is through the use of an easement from the adjacent landowner and County maintained roads to reach the BLM land. The total anticipated length of the project that crosses BLM managed lands is 3521.4' feet. The width of the proposed ROW needed is 20', 10' on either side of the installed line.

2.0 Purpose of and Need for Proposed Action

2.1 Purpose and Need

The purpose and need for the proposed action is to respond to a FLPMA right-of-way application submitted by AT&T California to install and maintain a buried telephone line across federally managed lands along Highway 120 near the town of Big Oak Flat, California across public lands administered by the BLM allowing construction for buried telephone line installation and maintenance in compliance with FLPMA, BLM right-of-way regulations, and other applicable Federal laws and policies.

2.2 Decision and Rational

This EA discloses the environmental consequences of implementing the proposed action or alternatives to that action. The Finding of No Significant Impact (FONSI) describes the findings of the analysis in this EA. The BLM Mother Lode Field Office Manager is the Deciding Official. His decision and the rationale for that decision will be stated in a separate Decision Record. Based on the information provided in this EA, the BLM Manager will decide whether to grant the right-of-way application with appropriate mitigation measures, or whether to reject it.

2.3 Conformance with Applicable Land Use Plans

The Sierra Resource Management Plan (RMP), February 2008, covers land use planning decisions for the subject area. This ROW proposal has been reviewed to determine that the proposed action conforms to the land use plan terms and conditions as required by 43 CFR 1610.5. The proposed action is in conformance with the RMP as outlined on page 32 which states that the goal of the Land and Realty program is to respond to demand for land use authorizations as mandated by FLPMA.

2.4 Relationship to Statutes, Regulations or Other Plans

Under 43 CFR Section 2801.2 of BLM right-of-way regulations, it is the BLM's objective to grant rights-of-way to any qualified individual, business, or government entity and to direct and control the use of rights-of-way on public lands in a manner that:

- a) Protects the natural resources associated with public lands and adjacent lands, whether private or administered by a government entity;
- b) Prevents unnecessary or undue degradation to public lands;
- c) Promotes the use of rights-of-way in common considering engineering and technological compatibility, national security, and land use plans; and
- d) Coordinates, the fullest extent possible, all BLM actions under the regulations in this part with state and local governments, interested individuals, and appropriate quasi-public entities.

3.0 Proposed Action and Alternatives

3.1 Proposed Action

Under the proposed action, the BLM would grant a right-of-way (ROW) to AT&T California. The ROW would allow for the installation and maintenance of a buried telephone line across BLM-managed lands along California Highway 120 near the town of Big Oak Flat, beginning near the intersection of Old Priest Grade Road and Priest Coulterville Road. The proposed action includes provisions to install above ground cable warning markers and above ground splice points/pedestals. Legal access is through the use of an easement from the adjacent landowner and County maintained roads to reach the BLM land. The total anticipated length of the project that crosses BLM managed lands is 3521.4' feet. The width of the proposed ROW needed is 20', 10' on either side of the installed line. The proposed cable would be placed 36" inches deep. Placement of the cable would be done by a trencher and backhoe. The proposed area of disturbance would be left to regrow back to its original condition upon project completion.

3.2 Project Design Features

About 80 percent of the project involves a potentially National Register of Historic Places (NRHP)-eligible cultural resource: the Hetch Hetchy Railroad grade. Construction activities shall not alter the characteristics that make this resource NRHP eligible including its integrity of location, design, setting, and feeling so that one can have the sense of being on a historic railbed as it was originally constructed on a full bench cut. Toward this end, it is recommended that the following measures be implemented:

1. Earth removal for trenching will be replaced and tramped down so that it matches the original grade.
2. Earth on the trench and both sides will be raked so that its line is obscured.
3. The light brown fiberglass 4 ft x 4 ft junction box will be flush with the ground surface, will be painted if needed to blend with the surrounding soil color, and to be unobtrusive in appearance. An alternative treatment could be a wood cover be placed at ground level on top of the box.
4. The grantee must contact the BLM before conducting any future ground disturbing work to maintain the fiber optic line within the ROW grant.

3.3 No Action

Under the no-action alternative, the BLM Mother Lode FO would deny AT&T California's buried telephone line ROW application, and the proposed action of performing telephone line installation and maintenance on public land would not be initiated. The no-action alternative is considered as a part of BLM's NEPA process and provides a comparative impact base for other alternatives. It could be selected by BLM if warranted by the findings of the environmental analysis. The no action alternative would meet the purpose and need of the BLM but would not address the multiple use mandates set forth for the BLM by FLPMA.

3.3 Alternatives Considered but Eliminated from Detailed Analysis

There were no other alternatives considered for analysis.

4.0 Affected Environment

The project area is located on the ridge above the Rattlesnake Creek watershed area. The elevation is approximately 2,750 feet. A biological inventory of the surrounding area was conducted in 2013 by the BLM Botanist. Vegetation consists of chamise-dominated chaparral with manzanita, live oak, ceanothus and yerba santa. Some gray pines are scattered though out the area. No rare plant habitat was present. No wetlands or riparian areas are located on the site. Soils in the area consist of mafic volcanic rock. Cultural resources are typical for the elevation, vegetation, etc. in the west central Sierra Nevada. The area is not far from the heart of the Big Oak Flat mining district. Gold mining occurred within the district beginning during the Gold Rush and lasted well into the 1900s. Ditches, prospects, and other mining-related features are common in the area. The project area is also located near the Hetchy Hetchy Aqueduct/Moccasin Powerhouse. This still-active water and power project was built from 1914 to 1934 (with later developments) to convey water from the upper Tuolumne River (Hetchy Hetchy Reservoir within Yosemite National Park) to towns and cities in the San Francisco Bay Area. Construction of the project was facilitated by the Hetch Hetchy Railroad, built between 1916-1917 and entirely abandoned shortly after World War II. The project area is managed in accordance with the VRM Class III standard. The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape. Recreational use is low.

5.0 Environmental Effects

The following critical elements have been determined to be unaffected by the proposed action: areas of critical environmental concern, prime/unique farmlands, floodplains, hazardous waste, wetlands and riparian zone, wild and scenic rivers, wilderness, environmental justice and recreation.

5.1 Impacts of the Proposed Action

Air, water, and soil – the proposed action would not negatively impact atmospheric, water, or soil resources. The proposed right-of-way corridor/road is a 1.62 acre area making it relatively small—less than two linear acres. Rare soils do not occur within the project area. There would be negligible levels of dust and soil erosion caused by proposed action in both the short term (installation of the line) and the long term (maintenance of the right of way).

Vegetation/forestry – The BLM botanist analyzed the impacts of the proposed action on botanical resources, especially special status plants. The analysis was designed to help BLM meet its obligations under the Endangered Species Act and other special status species policy. Special status plants have not been found within the project area. The botanist recommends that the proposed action would not affect threatened and endangered plants or other BLM special status plants. The proposed action calls for very little vegetation removal. The proposed action would cause negligible effects to common vegetation. No merchantable timber would be removed.

Wildlife – The BLM wildlife biologist analyzed the impacts of the proposed action on wildlife, especially on special status wildlife. Her analysis was designed to help BLM meet its obligations under the Endangered Species Act and other special status species policy. The wildlife biologist recommends that the project would have negligible short-term or long-term impacts on wildlife.

Cultural resources – The project area affected by the proposed action was intensively studied in February 2014 by consultants Francis Heritage, LLC and Foothill Resources, Ltd., under contract to AT&T. The study included a background records search, Native American consultation requests, and field inventory. The primary purpose of the study was to identify significant cultural resources or “historic properties” that might be affected by the proposed action, in accordance with Section 106 of the National Historic Preservation Act. One cultural resource was identified by the consultants within the project area or area of potential effects. This resource is the Hetch Hetchy Railroad grade. The consultants recommend that this resource is significant. About 80 percent of the project involves the Hetch Hetchy Railroad grade or rail bed. That is, the fiber optic line would be installed on the rail bed. The consultants recommend that construction activities shall not alter the characteristics that could potentially make this resource significant (or eligible for listing on the National Register of Historic Places) including its integrity of location, design, setting, and feeling so that one can have the sense of being on a historic rail bed as it was originally constructed on a full bench cut (refer to the cultural resources inventory report attached). Toward this end, several project design features (see Section 3.2) have been incorporated into the project design and must be followed. No Native American resources or issues have been identified.

Visual resources – The proposed project would have negligible impacts on visual resources. The removal of vegetation on the road/right-of-way corridor would have negligible impact as the installation of the line would occur far enough off of the HWY so that it would not be seen from the road. AT&T would leave the lands after installation for regrowth which would restore the lands to their original condition over time as buried lines require little maintenance. In terms of policy, the BLM manages the area in accordance with VRM class III standards, and the right of way corridor is

in line with the management objective for this class, which is to retain the existing character of the landscape.

5.2 Impacts of the No Action Alternative

Under the No Action Alternative there would be no change to the current status or quality of the site or landscape. Impacts to resources described above would not be expected from the No action alternative.

5.3 Cumulative Impacts

Erosion, rare plants, animals, and cultural resources are not expected to be impacted at the site specific scale. Therefore, cumulative impacts at a larger scale are not expected.

6.0 Agencies and Persons Consulted

6.1 Agencies, Organization, Persons Consulted

Charla Francis, Francis Heritage, LLC

6.2 BLM Interdisciplinary Team

/s/ James Barnes *3/24/14*

James Barnes
Cultural Resources/NEPA Coordinator

/s/ Peggy Cranston *3/17/14*

Peggy Cranston
Wildlife Specialist

/s/ Beth Brenneman *3/7/14*

Beth Brenneman
Botanist

/s/ Jeff Horn *3/18/14*

Jeff Horn
Visual Resources/Recreation

/s/ Heather Fullerton *3.18.2014*

Heather Fullerton
Realty Specialist

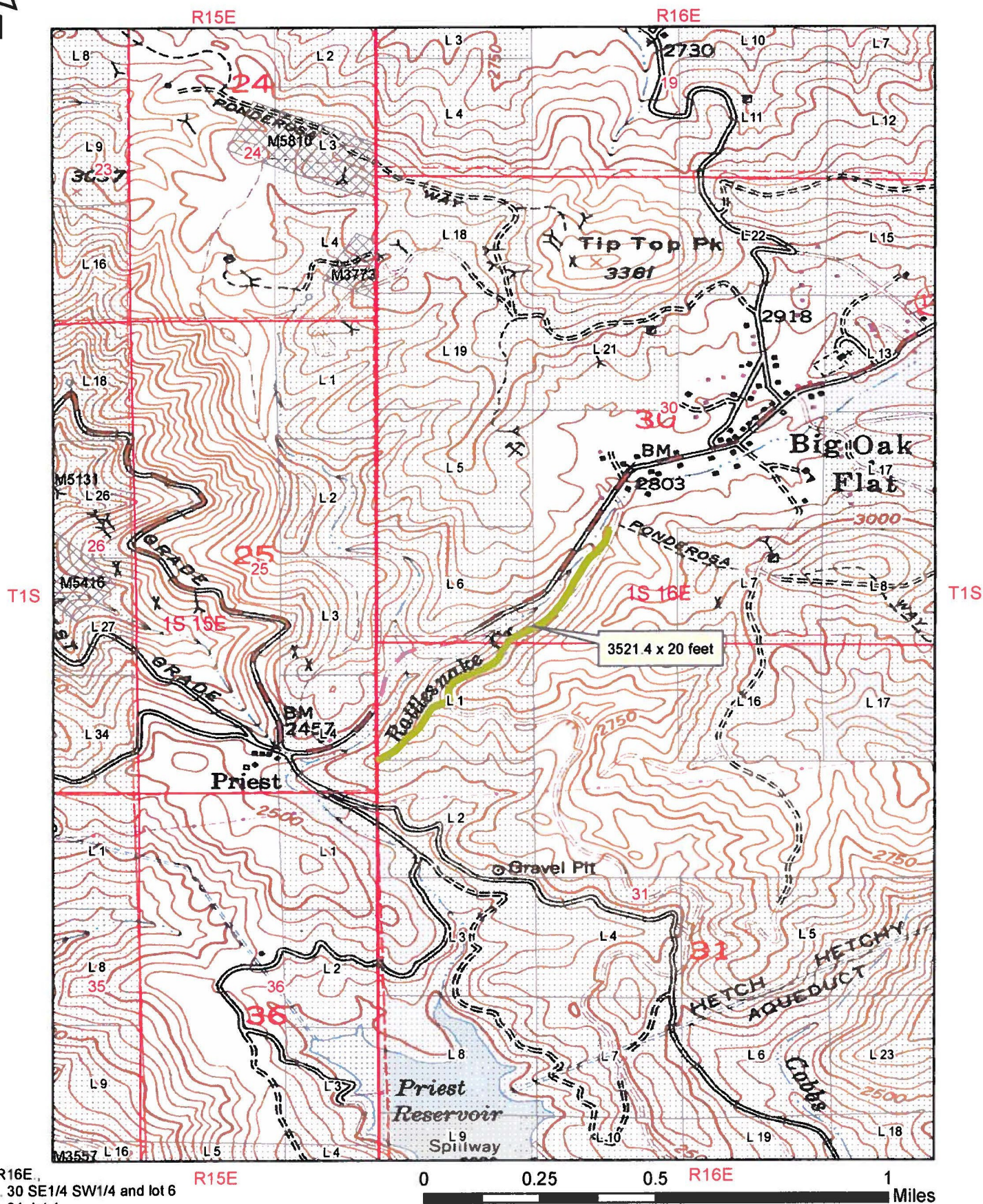
6.3 Availability of Document and Comment Procedures

This EA, posted on Mother Lode Field Office's website (www.blm.gov/ca/motherlode) under Information, NEPA (or available upon request), will be available for a 15-day public review period. Comments should be sent to the Mother Lode Field Office, 5152 Hillside Circle, El Dorado Hills, CA 95762 or emailed to us at hfullerton@blm.gov.



Exhibit A

AT&T ROW
CACA 54889



T1N, R16E,
sec. 30 SE1/4 SW1/4 and lot 6
sec. 31, lot 1

Containing 1 62 acres more or less in Toulomne County

- Right_of_ways
- Bureau of Land Management

U.S. Department of the Interior
BUREAU OF LAND MANAGEMENT
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Date Prepared: 11/5/2013
Project: CACA 54889 Right of Way Location Topo